

To: Torres, Tomas[Torres.Tomas@epa.gov]
From: Blumenfeld, Jared
Sent: Fri 11/6/2015 6:36:38 PM
Subject: Re: request to meet RA from NRDC: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

I'm good with you meeting with them.

Sent from my iPhone

On Nov 6, 2015, at 10:17 AM, Torres, Tomas <Torres.Tomas@epa.gov> wrote:

Jefe, I'm ok meeting with the NGOs involved in the Bay Delta suit with Sylvia (see below). But want to make sure you are comfortable with this approach or give you the opportunity to meet with them if you prefer. Please advise.

Begin forwarded message:

From: "Strauss, Alexis" <Strauss.Alexis@epa.gov>
Date: November 3, 2015 at 4:47:01 PM EST
To: "Quast, Sylvia" <Quast.Sylvia@epa.gov>, "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>
Cc: "Gaudario, Abigail" <Gaudario.Abigail@epa.gov>, "Torres, Tomas" <Torres.Tomas@epa.gov>
Subject: RE: request to meet RA from NRDC: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

I suggest a meeting with Tomas and Sylvia would be appropriate, and easier to schedule.

From: Quast, Sylvia
Sent: Tuesday, November 03, 2015 1:27 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Gaudario, Abigail <Gaudario.Abigail@epa.gov>; Torres, Tomas <Torres.Tomas@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: Re: request to meet RA from NRDC: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

I don't have a problem with doing this, but would be interested in hearing what Alexis thinks.

Sent from my iPhone

On Nov 3, 2015, at 3:16 PM, Johnson, Kathleen <Johnson.Kathleen@epa.gov> wrote:

I will defer to Sylvia and Tomas on this one.

Kathleen H. Johnson

Director, Enforcement Division

U.S. EPA - Region 9

75 Hawthorne Street ENF-1

San Francisco, CA 94015

415/972-3873

johnson.kathleen@epa.gov

From: Gaudario, Abigail

Sent: Tuesday, November 03, 2015 12:12 PM

To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>

Subject: FW: request to meet RA from NRDC: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

Please advise.

From: Vendlinski, Tim

Sent: Tuesday, November 03, 2015 12:07 PM

To: Gaudario, Abigail

Cc: Hagler, Tom; Kemmerer, John; Torres, Tomas

Subject: request to meet RA from NRDC: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

Hi Abi:

Please scroll-down to see the incoming message from Kate Poole requesting a meeting with Jared.

The meeting would involve representatives from NRDC, Defenders of Wildlife, and The Bay Institute, and it pertains to their 60-day notice to sue EPA over water quality standards for the Bay Delta.

Please let us whether or not Jared wishes to proceed with this meeting, and send me a copy of your reply to Ms. Poole.

Of course, we'd be happy to brief Jared before any meeting with the NGOs.

Thanks, Tim

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Tim Vendlinski

Senior Policy Advisor;

Bay Delta Program Manager

EPA Region 9

75 Hawthorne Street (WTR-1)

San Francisco, CA 94105-3901

(415) 972-3469 desk

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From: Hagler, Tom

Sent: Friday, October 30, 2015 11:35 AM

To: Quast, Sylvia <Quast.Sylvia@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Stephen.Samuels@usdoj.gov; Kermish, Laurie

<Kermish.Laurie@epa.gov>

Cc: Torres, Tomas <Torres.Tomas@epa.gov>; Woo, Nancy <Woo.Nancy@epa.gov>; Kemmerer, John <KEMMERER.JOHN@EPA.GOV>; Hashimoto, Janet <Hashimoto.Janet@epa.gov>; Vendlinski, Tim <vendlinski.tim@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

Yesterday, Region IX received an email copy of the attached 60-day notice (60-day Notice) from the Natural Resources Defense Council, Defenders of Wildlife, and the Bay Institute regarding alleged EPA violations of the Clean Water Act in the California Bay Delta. The 60-day Notice raises two related but separate issues:

(1) That EPA failed to perform a CWA Section 303(c)(1) "triennial review" of the California water quality standards in the Bay Delta, where the State Board has failed to do said triennial review for almost ten years.

(2) That EPA failed to perform its mandatory duty under CWA Section 303(c)(3) when it failed to review and act on alleged "new or revised" WQS "adopted" by the State Board when the Board approved successive "temporary urgency change petitions" (TUCP) during the current drought. These TUCPs enable the export projects to operate the water export facilities in the Sacramento San Joaquin River Delta ("Delta") in violation of the water quality standards (and other operational constraints) contained in the State's Water Quality Control Plan (WQCP). One of the major water quality standards being suspended is the salinity standard promulgated by EPA in 1995.

A copy of the 60-day Notice is attached, and the incoming courtesy email is pasted below. The NGOs have requested a meeting with the Regional Administrator on this notice, as has the State Board.

For more information, contact Tom Hagler, ORC-9, at (415)972-3945

From: Poole, Kate <kpoole@nrdc.org>
Sent: Thursday, October 29, 2015 1:33 PM
To: Blumenfeld, Jared; Hagler, Tom
Cc: Obegi, Doug; Hal Candee (external); Rachel Zwillinger
(RZWILLINGER@defenders.org); Jonathan Alan Rosenfield Ph. D.
(rosenfield@bay.org) (jon.tbi@gmail.com); Gary Bobker (bobker@sbcglobal.net)
Subject: Notice letter re the failure to enforce and update water quality standards
in California's Bay-Delta

Dear Jared and Tom,

Please find attached a 60-day notice letter from NRDC, Defenders of Wildlife, and The Bay Institute seeking EPA's intervention in California's failure to enforce and update water quality standards. Given the rapidly deteriorating condition of the Bay-Delta estuary and its native fish and wildlife, we believe that these matters require urgent attention. We would like to sit down with you to discuss a productive path forward. Please let us know some times that would be convenient.

Sincerely,

Kate Poole

Kate Poole

Senior Attorney

(admitted in California)

Natural Resources

Defense Council

111 Sutter St., 20th floor

San Francisco, CA 94104

T 415.875.6100

kpooie@nrdc.org

[@KatePooleNRDC](#)

NRDC.ORG

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Think before printing.